

House Bill 572

By: Representatives Ralston of the 7th, Levitas of the 82nd, Bearden of the 68th, and Collins of the 27th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 10 of Title 17 and Article 2 of Chapter 5 of Title 40 of the
2 Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition
3 of punishment and the issuance, expiration, and renewal of drivers' licenses, respectively, so
4 as to provide that any person convicted of a felony offense shall have such conviction
5 demarcated on his or her driver's license for the length of his or her sentence; to provide for
6 procedure; to amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia
7 Annotated, relating to cancellation, suspension, and revocation of licenses, so as to provide
8 for license suspension under certain circumstances; to provide for related matters; to provide
9 for an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the
13 procedure for sentencing and imposition of punishment, is amended in Code Section 17-10-1,
14 relating to the fixing of sentence, by adding a new subsection to read as follows:

15 "(h) In sentencing any defendant convicted of a felony, other than a defendant who is
16 discharged without adjudication of guilt and who is not considered to have a criminal
17 conviction pursuant to Article 3 of Chapter 8 of Title 42, the judge shall inform the
18 defendant that his or her driver's license shall be submitted to the Department of Driver
19 Services within 20 days of the date that the court imposed such sentence in order to have
20 a new driver's license issued with a demarcation for being a convicted felon and that failure
21 to submit his or her license shall result in a license suspension. In the event that the
22 defendant's driver's license is lost or for any other reason surrender is impossible, a sworn
23 affidavit indicating the status of such license shall be submitted to the department. The
24 court imposing such sentence shall forward, within three business days after such
25 conviction, a copy of its order of the disposition of the case to the Department of Driver
26 Services."

27 **SECTION 2.**

28 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
29 issuance, expiration, and renewal of drivers' licenses, is amended by adding a new Code
30 section to read as follows:

31 "40-5-38.

32 (a) Any person who has been convicted of a felony shall be issued a replacement driver's
33 license for a fee of \$25.00 bearing a demarcation of 'convicted felon,' and such license shall
34 be issued for the remaining period for which the original license was issued, and no
35 examination or eyesight test shall be required to obtain such replacement license. Renewal
36 licenses for such person shall bear such demarcation.

37 (b) The 'convicted felon' demarcation shall remain on the defendant's driver's license for
38 the length of the defendant's sentence. If the defendant's sentence expires before the
39 expiration of the license, the defendant may apply for a replacement license for a fee of
40 \$25.00 which shall not bear such demarcation for the remaining period for which the
41 original license was issued, and no examination or eyesight test shall be required to obtain
42 such replacement license.

43 (c) The defendant shall submit his or her driver's license to the department as provided by
44 subsection (h) of Code Section 17-10-1 and pursuant to the department's rules and
45 regulations governing such licenses."

46 **SECTION 3.**

47 Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
48 cancellation, suspension, and revocation of licenses, is amended by adding a new Code
49 section to read as follows:

50 "40-5-57.3.

51 Any person who is convicted of a felony who fails to surrender his or her driver's license
52 or submit a lost license affidavit in accordance with subsection (h) of Code Section 17-10-1
53 and Code Section 40-5-38 shall have his or her license suspended for the balance of his or
54 her sentence. After the suspension period and after such person pays a restoration fee of
55 \$60.00 or, if processed by mail, \$50.00, the suspension shall terminate, and the department
56 shall return such driver's license to such person."

57 **SECTION 4.**

58 This Act shall become effective upon its approval by the Governor or upon its becoming law
59 without such approval.

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SECTION 5.

61 All laws and parts of laws in conflict with this Act are repealed.